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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/617,825 07/17/00 DREI

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EXAMINER

QM12/0212

CANTOR COLBURN LLP
55 GRIFFIN RD. SOUTH
BLOOMFIELD CT. 06002

TSAIL H

ART UNIT

PAPER NUMBER

2

3722

DATE MAILED:

02/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/617,825

Applicant(s)

DREI, ANDREA

Examiner

Henry W.H. Tsai

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Reissue Applications

1. This reissue application was filed without the required offer to surrender the original patent or, if the original is lost or inaccessible, an affidavit or declaration to that effect. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.
2. The reissue declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

Note the declaration lacks the language "Every error being corrected by this reissue application up to the time of filing this declaration arose without any deceptive intention", see MPEP § 1414, item III.

3. Claims 1-34 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "A" (at column 2, line 40). Correction is required.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 8, line 4, "the bar pusher being adapted to connected with a collet" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

6. The following is a quotation of the second paragraph of 35

U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 6 the word "means" is preceded by the word(s) "guiding" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

In claim 8, line 11, it is not clear whether "an automatic lathe" is the same as that mentioned in line 3. Should "an" read --the-- ?

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In ~~claim~~ 19, line 9, it is not clear whether "an automatic lathe" is the same as that mentioned in line 3. Should "an" read --the-- ?

In claim 19, lines 4-5, "~~the~~ improvement" lacks proper antecedent basis since it was not defined previously.

In ~~claim~~ 25, line 3, it is not clear whether "a collet" is the same as that mentioned in claim 19, line 4. Should "a" read --the-- ?

In ~~claim~~ 27, line 7, it is not clear whether "a collet" is the same as that mentioned in line 4. Should "a" read --the-- ?

In ~~claim~~ 28, ~~line~~ 3, it is not clear whether "a collet" is the same as that mentioned in claim 27. Should "a" read --the-- ?

Applicant is required to review the claims and correct all language which does not comply with 35 U.S.C. § 112, second paragraph.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 8-11, 15-21, and 25-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cucchi (5,320,008) in view of Azumz (3,612,298).

Cucchi'008 discloses the claimed invention comprising, as shown in Figs. 1-6, guiding means(14) whereon supporting elements to support a bar(11) released from the system; a cartridge(15, 17, 20) being slidable and actuated between an initial position and a final position; and means for locking and actuating(30', Fig. 7) the pusher(26) between an offset position and a position aligned with the bar(11) deposited on the supporting elements.

Cucchi'008 discloses the claimed invention except for: the grip elements to grip the bar and the bar being released by the grip elements after inserting the bar in the collet.

Azumz'298 discloses a bar-feeding machine comprising the grip elements(59, 61) to grip the bar(23) and the bar(23) being released by the grip elements after inserting the bar in the collet(63) as shown in Fig. 5, and Col. 3, lines 1-4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cucchi'008's tool to comprise the grip elements to grip the bar and the bar being released by the grip elements after inserting the bar in the collet, as taught by Azumz'298, in order to facilitate securing and positioning each bar mounted on the Cucchi'008's pusher.

Note Azumz'298 also discloses the flat plate(49,) in Fig. 8) articulated on the cartridge for abutment.

10. Claims 3, 12, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cucchi'008 in view of Azumz'298 as applied to claims 1, 2, 8-11, 15-21, and 25-31 above, and further in view of French Patent No. 0,541,588 (FR'588).

Cucchi'008/Azumz'298 discloses the claimed invention except for: the grip elements being constituted by V-shaped blade elements which are actuated in manual.

FR'588 discloses a bar-feeding machine comprising the grip elements being constituted by V-shaped blade elements (b, b) which are actuated in manual as shown in Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cucchi'008/Azumz'298's tool to comprise the grip elements being constituted by V-shaped blade elements which are actuated in manual, as taught by FR'588, in order to facilitate securing and centering each bar mounted on the Cucchi'008/Azumz'298's pusher.

Allowable Subject Matter

11. Claims 4-7, 13, 14, 23, 24, 33, and 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (703) 308-7600. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington can be reached on (703) 308-2159. The fax number for TC 3700 is (703) 305-3579. **Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703) 308-1148.**
14. In order to reduce pendency and avoid potential delays, Group 3700 is encouraging FAXing of responses to Office actions directly into the Group at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by

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applicants who authorize charges to a PTO deposit account.
Please identify the examiner and art unit at the top of your
cover sheet. Papers submitted via FAX into Group 3700 will be
promptly forward to the examiner.

A handwritten signature in black ink, appearing to read 'Henry Tsai', is written above the printed name.

HENRY TSAI
PRIMARY EXAMINER

February 8, 2001